IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.897 of 2005
Date of decision: December 14, 2006.

Gurmail Singh ...**Petitioner(s)**

v.

Smt. Jaspreet Talwar & Ors. ...**Respondent(s)**

Present: Shri Nand Lal Sammi, Advocate for the petitioner.

Shri G.S. Cheema, Sr. Dy. Advocate General, Punjab for the respondents.

Surya Kant, J. (Oral)

This contempt petition has been filed, *inter-alia*, alleging that despite the order dated May 17, 2005 whereby the parties were directed to maintain status quo, respondent No.3 (Ajit Singh Laungia, Naib Tehsildar, Fatehgarh), in connivance with other respondents has registered sale deed dated 25.5.2005 in respect of a part of the subject land.

In response to the show cause, respondent No.3 has come up with the plea that the sale deed dated 25.5.2005 (Annexure P-3) registered by him pertains to the land which is not subject matter of CWP No. 3324 of 1994. He has given the khasra numbers of the land in respect of which the above stated sale deed was executed.

The records of CWP No. 3324 of 1994 have been summoned and perused.

In *stricto senso* respondent No.3 appears to be right in contending that the khasra numbers which are subject matter of the sale deed registered by him, do not figure in the application under section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 moved by the Gram Panchayat. In this view of the matter, I do not deem it appropriate to

continue with these contempt proceedings, which are accordingly dropped.

However, Learned Counsel for the petitioner contends that there is a big chunk of land which stands vested in the Gram Panchayat and the piece of the land sold vide sale deed (Annexure P-4) in question is a part and parcel of the said big chunk of land.

Prima facie, there appears to be some substance in the contention. If the contention is proved to correct, it would undoubtedly indicate that respondent No. 3 has scant concern to protect the Gram Panchayat's interest. This can further lead to various inferences. However, no final view can be formed by this Court in this regard.

Consequently, this petition is disposed of with a direction to the Financial Commissioner (Revenue), Punjab and Deputy Commissioner, Fatehgarh Sahib to hold a fact finding enquiry in respect of all the sale deeds registered by respondent No. 3 or any other Sub Registrar after the date of passing of the order dated May 17,2005 by this Court and find out as to whether or not he has compromised with the interest of the Gram Panchayat and if it is found that as a government servant respondent No. 3 or any other Sub Registrar have acted against the interest of the Gram Panchayat, stern action shall be taken against him/them and a report to this effect shall be sent to this court within eight weeks of the date of receipt of a certified copy of this order.

A copy of this order be supplied to Shri G.S. Cheema, Senior Deputy Advocate General, Punjab, for strict compliance.

Disposed of.

Rule discharged.

December 14, 2006. [**Surya Kant**]
kadyan **Judge**